THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB

Mailed: December 23, 2004
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

M.C.A. – Medical and Chemical Agency s.r.l.
v.
Zenna Chemical Industry Co. Ltd.

Opposition No. 91100786
to application Serial No. 74598262
filed on November 14, 1994

Zenna Chemical Industry Co. Ltd.
v.
M.C.A. – Medical and Chemical Agency s.r.l. and
M.C.A. – Medical and Chemical Agency S.p.a.
(joined as a party defendant)

Opposition No. 91104047
to application Serial No. 75056059
filed on February 9, 1996

Frank P. Presta and Sheryl L. Sharmach of Nixon & Vanderhye P.C. for M.C.A. – Medical and Chemical Agency s.r.l.

Scott R. Hansen of Fulwider Patton Lee & Utecht, LLP for Zenna Chemical Industry Co. Ltd.

Motion for Reconsideration

Before Hairston, Walters and Bucher, Administrative Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

The Board, in a decision issued June 29, 2004, sustained the opposition of M.C.A. – Medical and Chemical Agency s.r.l. (M.C.A) to Zenna Chemical Industry Co. Ltd.'s (Zenna) application to register the mark TOP-GEL MCA for "skin cleansing milk, skin cleansing crème, foundation powder and face cream." Additionally, the Board dismissed Zenna's opposition to M.C.A.'s application to register the mark MCA and design for "skin care products, namely, skin cream and soap." The Board found that M.C.A. had priority of use of the marks TOP-GEL and MCA.[1]

Zenna has filed a timely motion for reconsideration of the Board's decision. Zenna essentially asks that the Board reweigh the evidence.

The purpose of reconsideration is to point out errors made by the Board in making its decision, not to merely reargue the case or ask the Board to reweigh the evidence as Zenna has done. The basis for the Board's decision is clearly articulated therein and we do not find any error in reaching that decision. Therefore, Zenna's request for reconsideration is denied and the decision of June 29, 2004 stands.

[1] There was no dispute as to likelihood of confusion.